



HARRIS, WILTSHIRE
& GRANNIS LLP

**VIA ELECTRONIC SUBMISSION
AND HAND DELIVERY**

May 15, 2014

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W., Room TW-A325
Washington, DC 20554

Attention:
Kalpak Gude
Chief, Pricing Policy Division
Wireless Competition Bureau

Re: Rubard LLC d/b/a CentMobile's FCC Certification for the First Quarter of 2014; WC
Docket No. 05-68

Dear Ms. Dortch:

Pursuant to Section 64.5001(c) of the Commission's rules (47 C.F.R. § 64.5001(c)), please find enclosed a redacted version of Rubard LLC's ("Rubard") prepaid calling card certifications ("FCC Certification") reporting percentages of interstate use factors ("PIU") for the first quarter of 2014. Rubard is seeking confidential treatment of its FCC Certification, and is therefore simultaneously filing an original, signed version of the FCC Certification by paper.

Should you require further information, please contact the undersigned.

Respectfully submitted,

Patricia J. Paoletta
Counsel for Rubard LLC d/b/a CentMobile

Enclosures



REQUEST FOR CONFIDENTIAL TREATMENT

**VIA ELECTRONIC SUBMISSION
AND HAND DELIVERY**

May 15, 2014

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W., Room TW-A325
Washington, DC 20554

Attention:
Kalpak Gude
Chief, Pricing Policy Division
Wireless Competition Bureau

Re: Rubard LLC's FCC Certification for the First Quarter of 2014 Prepaid Calling PIU and Request for Confidential Treatment

Dear Madame Secretary:

On behalf of Rubard LLC d/b/a CentMobile ("Rubard"), undersigned counsel submits the certification required by Section 64.5001(c) of the Commission's rules (47 C.F.R. § 64.5001(c)) regarding prepaid calling card percentages of interstate use factors and, pursuant to Sections 0.457 and 0.459 of the Commission's Rules,¹ respectfully requests that the Commission withhold from public inspection and accord confidential treatment to copies of Rubard's unredacted percentage of interstate use ("PIU") Reports.

As explained more fully below, this data falls within Exemption 4 of the Freedom of Information Act ("FOIA").² Because the information enclosed is "of a kind that would not customarily be released to the public," the information is "confidential" under Exemption 4 of FOIA.³ In support of this request and pursuant to Section 0.459(b) of the Commission's rules,⁴ on behalf of Rubard, we hereby state as follows:

¹ 47 C.F.R. §§ 0.457 and 0.459.

² 5 U.S.C. § 552(b)(4) & (7).

³ See *Critical Mass Energy Project v. NRC*, 975 F.2d 871, 879 (D.C. Cir. 1992).

⁴ 47 C.F.R. § 0.459(b).

REQUEST FOR CONFIDENTIAL TREATMENT

1. IDENTIFICATION OF THE SPECIFIC INFORMATION FOR WHICH CONFIDENTIAL TREATMENT IS SOUGHT⁵

Rubard seeks confidential treatment of the unredacted percentage of interstate use (“PIU”) factors for revenue and minutes, given their sensitive commercial nature.

2. DESCRIPTION OF CIRCUMSTANCES GIVING RISE TO THE SUBMISSION⁶

Rubard is submitting the confidential information pursuant to §64.5001(c) of the Commission’s Rules.

3. EXPLANATION OF THE DEGREE TO WHICH THE INFORMATION IS COMMERCIAL OR FINANCIAL, OR CONTAINS A TRADE SECRET OR IS PRIVILEGED⁷

The PIUs contain commercial information that would not generally be disclosed by competitive carriers to the public.⁸

4. EXPLANATION OF THE DEGREE TO WHICH THE INFORMATION CONCERNS A SERVICE THAT IS SUBJECT TO COMPETITION⁹

Rubard is a provider in the very competitive market of international telephony and seeks to protect the commercial information in the PIUs from its competitors.

5. EXPLANATION OF HOW DISCLOSURE OF THE INFORMATION COULD RESULT IN SUBSTANTIAL COMPETITIVE HARM¹⁰

Disclosure of this sensitive and closely-guarded information, not normally disclosed to the public, could subject Rubard to unfair competition, and given the competitive nature of the international market, also cause distortion in the market.

6. IDENTIFICATION OF ANY MEASURES TAKEN BY THE SUBMITTING PARTY TO PREVENT UNAUTHORIZED DISCLOSURE¹¹

Rubard has not disclosed to the public the information contained in the PIUs, a copy of which has been redacted for public inspection and the unredacted copy stamped CONFIDENTIAL – NOT FOR PUBLIC INSPECTION.

⁵ 47 C.F.R. § 0.459(b)(1).

⁶ 47 C.F.R. § 0.459(b)(2).

⁷ 47 C.F.R. § 0.459(b)(3).

⁸ See 26 U.S.C. § 6103.

⁹ 47 C.F.R. § 0.459(b)(4).

¹⁰ 47 C.F.R. § 0.459(b)(5).

¹¹ 47 C.F.R. § 0.459(b)(6).

REQUEST FOR CONFIDENTIAL TREATMENT

7. **IDENTIFICATION OF WHETHER THE INFORMATION IS AVAILABLE TO THE PUBLIC AND THE EXTENT OF ANY PREVIOUS DISCLOSURE OF THE INFORMATION TO THIRD PARTIES¹²**

Rubard has not previously disclosed the PIU information to the public.

8. **JUSTIFICATION OF THE PERIOD DURING WHICH THE SUBMITTING PARTY ASSERTS THAT MATERIAL SHOULD NOT BE AVAILABLE FOR PUBLIC DISCLOSURE¹³**

Rubard requests that the unredacted PIUs be treated as confidential indefinitely.

9. **OTHER INFORMATION THAT RUBARD BELIEVES MAY BE USEFUL IN ASSESSING WHETHER THE REQUEST FOR CONFIDENTIALITY SHOULD BE GRANTED¹⁴**

Commission rules require that carriers report to their underlying transport providers the percentage of interstate use factors and call volumes, so the parties that the Commission deems should have PIU information will already be so informed. Disclosure to the broader public, including Rubard's competitors, is not necessary to protect the public interest.

This request for confidential treatment should not be construed as a waiver of any other protection from disclosure or confidential treatment accorded by law. Should you have any questions, please do not hesitate to contact the undersigned.

Respectfully submitted,



Patricia J. Paoletta

Counsel for Rubard LLC d/b/a CentMobile

¹² 47 C.F.R. § 0.459(b)(7).

¹³ 47 C.F.R. § 0.459(b)(8).

¹⁴ 47 C.F.R. § 0.459(b)(9).

REDACTED FOR PUBLIC INSPECTION

**Rubard LLC d/b/a CentMobile
Quarterly Prepaid Calling Certification
First Quarter 2014**

For the first quarter of 2014 (January 1, 2014 to March 31, 2014), Rubard's percentages of prepaid calling card interstate, intrastate, and international minutes were as follows:

Interstate: [REDACTED]

Intrastate: [REDACTED]

International: [REDACTED]

For the first quarter of 2014, Rubard's percentages of prepaid calling card interstate, intrastate, and international revenues were as follows:

Interstate: [REDACTED]

Intrastate: [REDACTED]

International: [REDACTED]

I, Artur Zaytsev, of Rubard LLC d/b/a CentMobile ("Rubard"), under penalty of perjury, hereby certify, in compliance with Section 64.5001(c) of the Commission's rules, that Rubard has complied with the prepaid calling card Percentage of Interstate Usage reporting requirements contained in Section 64.5001(a) of the Commission's rules, 47 C.F.R. § 64.5001(a). I further certify that, in compliance with Section 64.5001(c)(3) of the Commission's Rules, Rubard, a *de minimis* filer pursuant to Section 54.708 based on the information reported in the attachments, complies with the Commission's Universal Service Fund contribution requirements and that the percentage of intrastate, interstate, and international calling card minutes and the percentages of prepaid calling card service revenue contained in the above quarterly report are accurate.

Signature:



Print Name: Artur Zaytsev

Print Title: Manager

Date: May 15, 2014